

Counsel Listed on Next Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FISHER INVESTMENTS, INC., a California corporation,

Case No. C 07 2547 SC

**STIPULATION OF DISMISSAL
WITH PREJUDICE**

Plaintiff,

V.

MORGAN STANLEY DW, INC., a
Delaware corporation, and DOES 1-10,
inclusive,

Defendants.

1 JOSEPH W. COTCHETT (State Bar No. 36324)
2 NANCY L. FINEMAN (State Bar No. 124870)
3 COTCHETT, PITRE & McCARTHY
4 San Francisco Airport Office Center
5 840 Malcolm Road, Suite 200
6 Burlingame, CA 94010
7 Telephone: 650-697-6000
8 Facsimile: 650-697-0577

9 SCOTT METZGER (State Bar No. 89718)
10 ANNA F. ROPPO (State Bar No. 132680)
11 DUCKOR SPRADLING METZGER & WYNNE
12 3043 – 4th Avenue
13 San Diego, CA 92103
14 Telephone: 619-209-3000
15 Facsimile: 619-209-3043

16 Attorneys for Plaintiff
17 Fisher Investments, Inc.

18 TRISH M. HIGGINS (State Bar No. 119215)
19 ORRICK, HERRINGTON & SUTCLIFFE LLP
20 400 Capitol Mall, Suite 3000
21 Sacramento, CA 95814-4497
22 Telephone: 916-447-9200
23 Facsimile: 916-329-4900

24 MICHAEL D. WEIL (State Bar No. 209056)
25 ORRICK, HERRINGTON & SUTCLIFFE LLP
26 The Orrick Building
27 405 Howard Street
28 San Francisco, CA 94105-2669
Telephone: 415-773-5700
Facsimile: 415-773-5759

Attorneys for Defendant
Morgan Stanley & Co., Inc.
(f/k/a Morgan Stanley DW, Inc.)

1 IT IS HEREBY STIPULATED, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii),
2 that all claims asserted in this case by Plaintiff are hereby dismissed with prejudice and, further,
3 that all parties shall bear their own costs and fees.

4 SO STIPULATED.

5 Dated: April 24, 2008

JOSEPH W. COTCHETT
NANCY L. FINEMAN
COTCHETT, PITRE & McCARTHY

7 SCOTT METZGER
8 ANNA F. ROPPO
DUCKOR SPRADLING METZGER & WYNNE

10 By: _____ /s/ Scott Metzger
11 Scott Metzger
12 Attorneys for Plaintiff
Fisher Investments, Inc.

13 Dated: April 24, 2008

TRISH M. HIGGINS
MICHAEL D. WEIL
ORRICK, HERRINGTON & SUTCLIFFE LLP

16 By: _____ /s/ Michael D. Weil
17 Michael D. Weil
18 Attorneys for Defendant
Morgan Stanley & Co., Inc.
(f/k/a Morgan Stanley DW, Inc.)

21 I hereby attest that the concurrence in the filing of this document has been obtained from
22 Scott Metzger, Attorney for Plaintiff, Fisher Investments, Inc.

24 By: _____ /s/ Michael D. Weil
25 Michael D. Weil
26 Attorneys for Defendant
Morgan Stanley & Co., Inc.
(f/k/a Morgan Stanley DW, Inc.)